

## REMARKS

Claims 1, 12, 27, 28, 32, 35-37 and 39 have been amended. Claim 31 has been canceled. No new claims have been added. Claims 1-30 and 32-42 remain pending in the application.

### ***Support for Claim Amendments***

Support for the amendment to claim 1 can be found in the specification at page 15, lines 18-21 and page 16, lines 29-32.

Support for the amendment to claim 12 can be found in the specification at page 17, lines 1-7.

### ***Objections/Rejections***

**1.0** *The Examiner has objected to the drawings for failure to depict bellows switch [161] in the drawings.*

Bellows switch [161] is shown and referenced in Figure 4 as originally filed. Withdrawal of this objection is respectfully requested.

### ***Objections/Rejections***

**2.0** *The Examiner has provided a reminder of the proper language and format for an abstract of the disclosure.*

The Examiner has provided a reminder of proper language and format for an abstract, but has not objected to or rejected the abstract.

***Objections/Rejections  
Under 35 U.S.C. §112***

**3.0** *The Examiner has rejected claims 26 and 27 under 35 U.S.C. §112 second paragraph as indefinite for use of the phrase "at least some".*

Claim 26 does not include the phrase "at least some". Claims 27 and 28 are the only claims that include the phrase. Claims 27 and 28 have been amended to change "at least some" to "at least one". Withdrawal of the rejection is respectfully requested.

**4.0** *The Examiner has rejected claim 31 under 35 U.S.C. §112 second paragraph as indefinite for use of the phrases "container normally used in commerce" and "as a container of a product consumed by a user of the device".*

Claim 31 has been cancelled.

**5.0** *The Examiner has rejected claim 35 under 35 U.S.C. §112 second paragraph as indefinite for failure to point out how a personality may be inferred from a sound sample captured by a voice recognition circuit.*

The claimed personality is achieved by means of the electronic circuit and speech synthesizer introduced in claim 33, from which claim 35 indirectly depends. Claim 35 has been amended to clarify the source of the personality. Withdrawal of this rejection is respectfully requested.

**6.0** *The Examiner has rejected claims 36 and 37 under 35 U.S.C. §112 second paragraph as indefinite for omitting essential structural connection of the claimed elements.*

Applicant has amended claim 36 to depend from claim 33 rather than claim 32 and so as to provide appropriate structural connection of the claimed elements. Withdrawal of this rejection is respectfully requested. Applicant thanks the Examiner for noting this typographical error.

**7.0** *The Examiner has rejected claim 39 under 35 U.S.C. §112 second paragraph as indefinite for use of the phrase "sounds occurring in an environment responsive to commands issued by the simulator".*

Applicant has amended claim 39 to clarify that the electronic circuit is programmed to identify a sound which is not generated by the simulator as an acceptable response to a given command issued by the simulator. Withdrawal of this rejection is respectfully requested.

**8.0** *The Examiner has rejected claim 40 under 35 U.S.C. §112 second paragraph as indefinite for listing sounds incapable of conveying a personality.*

The sounds listed in claim 40 are the sounds which the electronic circuit can identify (*i.e.*, hear) as an acceptable response to a given command issued by the simulator. A personality is achieved through the commands (*i.e.*, speech) issued by the simulator. The Examiner has confused the speech function of the simulator with the hearing function of the simulator. Withdrawal of this rejection is respectfully requested.

***Objections/Rejections  
Under 35 U.S.C. §102***

**9.0** *The Examiner has rejected claims 1, 2, and 4 as anticipated by Bonnett ('722).*

**SUMMARY OF CITED REFERENCE**

**Bonnett** discloses a device for automatically counting the number of times a smoker inhales upon a tobacco product, such as a cigarette. The device includes a pocket calculator, a pressure sensitive switch and a cigarette holder. The pressure sensitive switch is in fluid communication with the internal chamber of the cigarette holder for detecting a decrease in pressure within the holder caused by a smoker inhaling upon a cigarette positioned within the holder. The pressure sensitive switch is in electrical communication with the pocket calculator for summing and visually displaying the number of detected inhalations.

## SUMMARY OF CLAIMED INVENTION

**A First Embodiment of the Claimed Invention** (claims 1-11) is directed to an addiction simulator for education about and deterrence of drug use. The simulator includes (i) an enclosure, (ii) an electronic circuit housed within the enclosure, (iii) an actuator electrically interconnected to the electronic circuit, and (iv) a pushbutton switch responsive to an activity of a user of the addiction simulator which simulates participation in an addictive activity involving drug use.

## LEGAL BASIS FOR ESTABLISHING ANTICIPATION

An anticipation rejection under 35 U.S.C. §102 requires that the cited reference(s) disclose each and every element of the claimed invention. See, Hybritech Inc. v. Monoclonal Antibodies, Inc., 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986); Kloster Speedsteel AB et al. v. Crucible Inc. et al., 230 U.S.P.Q. 81, 84 (Fed. Cir. 1986). Accordingly, the “exclusion of a claimed element from a prior art reference is enough to negate anticipation by that reference.” Atlas Powder Co. v. E.L duPont De Nemours & Co., 224 U.S.P.Q. 409, 411 (Fed. Cir. 1984).

## BONNETT DOES NOT DISCLOSE EACH AND EVERY ELEMENT OF THE CLAIMED INVENTION

The Claimed Invention includes a pushbutton switch responsive to an activity of a user which ***simulates*** participation in an addictive activity involving drug use (*e.g.*, inhaling upon a straw simulating smoking of a cigarette). Bonnett discloses an invention which includes a pushbutton switch responsive to actual smoking of a cigarette. Without an actual cigarette positioned within the cigarette holder, inhalation on the cigarette holder will not be detected by the pressure switch as the internal chamber of the cigarette holder is open to the atmosphere and a vacuum cannot be created within the holder. Withdrawal of this rejection is respectfully requested.

**10:0** *The Examiner has rejected claims 22-24 as anticipated by Schneier et al ('398).*

#### SUMMARY OF CITED REFERENCE

**Schneier** discloses a hand-held, off-line remote gambling system. The device includes a case, a power source, a programmable electronic circuit powered by the power source, a programmable sound synthesizer, and communications ports. The communications ports permit connection to a modem [158], a bar code scanner [152], a printer interface [150a] and printer [150b], a plug-in card interface [154] and a read/write interface [156].

#### SUMMARY OF CLAIMED INVENTION

**A Third Embodiment of the Claimed Invention** (claims 22-32) is directed to an entertainment device including (i) a case, (ii) a power source, (iii) a programmable electronic circuit powered by the power source, (iv) a voice synthesizer electrically interconnected to the programmable electronic circuit for issuing spoken prompts and taunts to a user of the entertainment device, and (v) a communications port permitting interconnection of the entertainment device to another entertainment device for exchanging programmed information.

#### LEGAL BASIS FOR ESTABLISHING ANTICIPATION

An anticipation rejection under 35 U.S.C. §102 requires that the cited reference(s) disclose each and every element of the claimed invention. See, Hybritech Inc. v. Monoclonal Antibodies, Inc., 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986); Kloster Speedsteel AB et al. v. Crucible Inc. et al., 230 U.S.P.Q. 81, 84 (Fed. Cir. 1986). Accordingly, the “exclusion of a claimed element from a prior art reference is enough to negate anticipation by that reference.” Atlas Powder Co. v. E.L duPont De Nemours & Co., 224 U.S.P.Q. 409, 411 (Fed. Cir. 1984).

#### SCHNEIER DOES NOT DISCLOSE EACH AND EVERY ELEMENT OF THE CLAIMED INVENTION

The Third Embodiment of the Claimed Invention includes a voice synthesizer for issuing spoken prompts and taunts to a user of the entertainment device. Schneier discloses a sound

synthesizer, but does NOT disclose a voice synthesizer for issuing spoken prompts and taunts to a user of the entertainment device. Schneier discloses use of the sound synthesizer to generate game sounds (e.g., dings and bells). Withdrawal of this rejection is respectfully requested.

The Third Embodiment of the Claimed Invention further includes a communications port permitting interconnection of the entertainment device to another entertainment device for exchanging programmed information. Schneier discloses a variety of communications ports for permitting the gaming device to communicate with a variety of peripherals, but does NOT disclose a communications port permitting interconnection of the entertainment device to another entertainment device for exchanging programmed information. Withdrawal of this rejection is respectfully requested.

***Objections/Rejections  
Under 35 U.S.C. §103***

**11.0** *The Examiner has rejected claims 3, 6, 8,-11, and 42 as obvious over Bonnett in view of Schneier et al.*

**SUMMARY OF CITED REFERENCES**

**Bonnett** discloses a device for automatically counting the number of times a smoker inhales upon a tobacco product, such as a cigarette. The device includes a pocket calculator, a pressure sensitive switch and a cigarette holder. The pressure sensitive switch is in fluid communication with the internal chamber of the cigarette holder for detecting a decrease in pressure within the holder caused by a smoker inhaling upon a cigarette positioned within the holder. The pressure sensitive switch is in electrical communication with the pocket calculator for summing and visually displaying the number of detected inhalations.

**Schneier** discloses a hand-held, off-line remote gambling system. The device includes a case, a power source, a programmable electronic circuit powered by the power source, a programmable sound synthesizer, and communications ports. The communications ports permit connection to a modem [158], a bar code scanner [152], a printer interface [150a] and printer [150b], a plug-in card interface [154] and a read/write interface [156].

## SUMMARY OF CLAIMED INVENTION

**A First Embodiment of the Claimed Invention** (claims 1-11) is directed to an addiction simulator for education about and deterrence of drug use. The simulator includes (i) an enclosure, (ii) an electronic circuit housed within the enclosure, (iii) an actuator electrically interconnected to the electronic circuit, and (iv) a pushbutton switch responsive to an activity of a user of the addiction simulator which simulates participation in an addictive activity involving drug use.

**A Fourth Embodiment of the Claimed Invention** (claims 33-42) is directed to a portable personality simulator including (i) a case, (ii) a programmable electronic circuit housed within the case, and (iv) a speech synthesizer electrically interconnected to the programmable electronic circuit for issuing commands simulating a particular type of personality.

## LEGAL BASIS FOR ESTABLISHING A PRIMA FACIE CASE OF OBVIOUSNESS

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation; either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, NOT in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). See, M.P.E.P. § 2143.

PRIOR ART REFERENCES DO NOT TEACH OR SUGGEST ALL OF THE CLAIM LIMITATIONS OF THE CLAIMED INVENTION.

*FIRST EMBODIMENT*

The First Embodiment of the Claimed Invention includes a pushbutton switch responsive to an activity of a user which simulates participation in an addictive activity involving drug use (*e.g.*, inhaling upon a straw simulating smoking of a cigarette). Bonnett discloses an invention which includes a pushbutton switch responsive to actual smoking of a cigarette. Without an actual cigarette positioned within the cigarette holder, inhalation on the cigarette holder will not be detected by the pressure switch as the internal chamber of the cigarette holder is open to the atmosphere and a vacuum cannot be created within the holder. Schneier discloses nothing which could be equated to a pushbutton switch responsive to an activity of a user which simulates participation in an addictive activity involving drug use. Withdrawal of this rejection is respectfully requested.

*FOURTH EMBODIMENT*

The Fourth Embodiment of the Claimed Invention includes a speech synthesizer for issuing commands simulating a particular type of personality. Neither Bonnett nor Schneier disclose a speech synthesizer for issuing commands simulating a particular type of personality. Bonnett is silent as to a speech synthesizer and Schneier discloses only a sound synthesizer for generating game sounds (*e.g.*, dings and bells). Withdrawal of this rejection is respectfully requested.

**12.0** *The Examiner has rejected claims 12-13, 15-16, and 19-21 over Bonnett in view of Brown.*

SUMMARY OF CITED REFERENCES

**Bonnett** discloses a device for automatically counting the number of times a smoker inhales upon a tobacco product, such as a cigarette. The device includes a pocket calculator, a



pressure sensitive switch and a cigarette holder. The pressure sensitive switch is in fluid communication with the internal chamber of the cigarette holder for detecting a decrease in pressure within the holder caused by a smoker inhaling upon a cigarette positioned within the holder. The pressure sensitive switch is in electrical communication with the pocket calculator for summing and visually displaying the number of detected inhalations.

**Brown** discloses a video game system programmed with a game which provides a medical patient with therapeutic treatment and/or information for the patient's medical condition. The video game includes a case, an electronic circuit housed within the case, and a speaker for emitting sounds associated with video games (*e.g.*, dings, bells, tones and tunes). Brown further discloses at column 7, lines 10-16 that characters depicted in the video game can communicate instructions and strategies to the patient, but does not specify whether such communication is audible or visual.

#### SUMMARY OF CLAIMED INVENTION

**A Second Embodiment of the Claimed Invention** (claims 12-21) is directed to a portable personality simulator for achieving behavior modification and education of a user of the simulator. The simulator includes (i) a case, (ii) an electronic circuit housed within the case, and (iii) a speaker housed within the case and electrically interconnected to the electronic circuit for emitting spoken words commanding a user to behave in a desired manner.

#### LEGAL BASIS FOR ESTABLISHING A PRIMA FACIE CASE OF OBVIOUSNESS

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation; either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable

expectation of success must be found in the prior art, NOT in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). See, M.P.E.P. § 2143.

PRIOR ART REFERENCES DO NOT TEACH OR SUGGEST ALL OF THE  
CLAIM LIMITATIONS OF THE CLAIMED INVENTION.

The Second Embodiment of the Claimed Invention includes a speaker for emitting spoken words commanding a user to behave in a desired manner. Bonnett does not disclose a speaker. Brown discloses a speaker for emitting sounds associated with video games (*e.g.*, dings, bells, tones and tunes), but does NOT disclose emitting spoken words commanding a user to behave in a desired manner. Brown does disclose at column 7, lines 10-16 that characters depicted in the video game can communicate instructions and strategies to the patient. However, Brown does not specify whether such communication is audible or visual. Brown discloses at column 4, lines 5-7 that the speaker is effective for "... producing sounds associated with video games ...". Since video games, such as the SUPER NINTENDO™ system referenced in Brown, generate only simplistic dings, bells, tones and tunes and do NOT generate speech, those skilled in the art are taught by Brown to communicate instructions and strategies by a visual display and NOT by audible speech. Withdrawal of this rejection is respectfully requested.

**13.0** *The Examiner has rejected claims 14, 17, 18, 25-26, 29, 32-33, and 35-41 as obvious over Bonnett in view of Brown in further view of Schneier et al.*

SUMMARY OF CITED REFERENCES

**Bonnett** discloses a device for automatically counting the number of times a smoker inhales upon a tobacco product, such as a cigarette. The device includes a pocket calculator, a pressure sensitive switch and a cigarette holder. The pressure sensitive switch is in fluid communication with the internal chamber of the cigarette holder for detecting a decrease in pressure within the holder caused by a smoker inhaling upon a cigarette positioned within the holder. The pressure sensitive switch is in electrical communication with the pocket calculator for summing and visually displaying the number of detected inhalations.

**Brown** discloses a video game system programmed with a game which provides a medical patient with therapeutic treatment and/or information for the patient's medical condition. The video game includes a case, an electronic circuit housed within the case, and a speaker for emitting sounds associated with video games (*e.g.*, dings, bells, tones and tunes). Brown further discloses at column 7, lines 10-16 that characters depicted in the video game can communicate instructions and strategies to the patient, but does not specify whether such communication is audible or visual.

**Schneier** discloses a hand-held, off-line remote gambling system. The device includes a case, a power source, a programmable electronic circuit powered by the power source, a programmable sound synthesizer, and communications ports. The communications ports permit connection to a modem [158], a bar code scanner [152], a printer interface [150a] and printer [150b], a plug-in card interface [154] and a read/write interface [156].

#### SUMMARY OF CLAIMED INVENTION

**A Second Embodiment of the Claimed Invention** (claims 12-21) is directed to a portable personality simulator for achieving behavior modification and education of a user of the simulator. The simulator includes (i) a case, (ii) an electronic circuit housed within the case, and (iii) a speaker housed within the case and electrically interconnected to the electronic circuit for emitting spoken words commanding a user to behave in a desired manner.

**A Third Embodiment of the Claimed Invention** (claims 22-32) is directed to an entertainment device including (i) a case, (ii) a power source, (iii) a programmable electronic circuit powered by the power source, (iv) a voice synthesizer electrically interconnected to the programmable electronic circuit for issuing spoken prompts and taunts to a user of the entertainment device, and (v) a communications port permitting interconnection of the entertainment device to another entertainment device for exchanging programmed information.

**A Fourth Embodiment of the Claimed Invention** (claims 33-42) is directed to a portable personality simulator including (i) a case, (ii) a programmable electronic circuit housed within the case, and (iv) a speech synthesizer electrically interconnected to the programmable electronic circuit for issuing commands simulating a particular type of personality.

#### LEGAL BASIS FOR ESTABLISHING A PRIMA FACIE CASE OF OBVIOUSNESS

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation; either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, NOT in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). *See*, M.P.E.P. § 2143.

#### PRIOR ART REFERENCES DO NOT TEACH OR SUGGEST ALL OF THE CLAIM LIMITATIONS OF THE CLAIMED INVENTION.

#### *SECOND EMBODIMENT*

The Second Embodiment of the Claimed Invention includes a speaker for emitting spoken words commanding a user to behave in a desired manner. Bonnett does not disclose a speaker. Brown discloses a speaker for emitting sounds associated with video games (*e.g.*, dings, bells, tones and tunes), but does NOT disclose emitting spoken words commanding a user to behave in a desired manner. Brown does disclose at column 7, lines 10-16 that characters depicted in the video game can communicate instructions and strategies to the patient. However, Brown does not specify whether such communication is audible or visual. Brown discloses at column 4, lines 5-7 that the speaker is effective for "... producing sounds associated with video games ...". Since video games, such as the SUPER NINTENDO™ system referenced in Brown, generate only simplistic dings, bells, tones and tunes and do NOT generate speech, those skilled in the art are taught by Brown to communicate instructions and strategies by a visual display and

NOT by audible speech. Schneier discloses a sound synthesizer, but does NOT disclose a speaker for emitting spoken words commanding a user to behave in a desired manner. Schneier discloses use of the sound synthesizer to generate game sounds (*e.g.*, dings and bells). Withdrawal of this rejection is respectfully requested.

### *THIRD EMBODIMENT*

The Third Embodiment of the Claimed Invention includes a voice synthesizer for issuing spoken prompts and taunts to a user of the entertainment device. Bonnett does not disclose a voice synthesizer. Brown discloses a speaker for emitting sounds associated with video games (*e.g.*, dings, bells, tones and tunes), but does NOT disclose a voice synthesizer for issuing spoken prompts and taunts to a user of the video game. Brown does disclose at column 7, lines 10-16 that characters depicted in the video game can communicate instructions and strategies to the patient. However, Brown does not specify whether such communication is audible or visual. Brown discloses at column 4, lines 5-7 that the speaker is effective for "... producing sounds associated with video games ...". Since video games, such as the SUPER NINTENDO™ system referenced in Brown, generate only simplistic dings, bells, tones and tunes and do NOT generate speech, those skilled in the art are taught by Brown to communicate instructions and strategies by a visual display and NOT by audible speech. Schneier discloses a sound synthesizer, but does NOT disclose a voice synthesizer for issuing spoken prompts and taunts to a user of the entertainment device. Schneier discloses use of the sound synthesizer to generate game sounds (*e.g.*, dings and bells). Withdrawal of this rejection is respectfully requested.

The Third Embodiment of the Claimed Invention further includes a communications port permitting interconnection of the entertainment device to another entertainment device for exchanging programmed information. Bonnett does not disclose any type of communications port other than that associated with the pressure switch.. Brown discloses a communications port for communicating with a remote communication unit, but does NOT disclose a communications port permitting interconnection of the video game to another video game for exchanging programmed information. Schneier discloses a variety of communications ports for permitting the gaming device to communicate with a variety of peripherals, but does NOT disclose a

communications port permitting interconnection of the entertainment device to another entertainment device for exchanging programmed information. Withdrawal of this rejection is respectfully requested.

#### *FOURTH EMBODIMENT*

The Fourth Embodiment of the Claimed Invention includes a speech synthesizer for issuing commands simulating a particular type of personality. Bonnett, Brown and Schneier do not disclose a speech synthesizer for issuing commands simulating a particular type of personality. Bonnett is silent as to a speech synthesizer. Brown discloses a speaker for emitting sounds associated with video games (*e.g.*, dings, bells, tones and tunes), but does NOT disclose a speech synthesizer for issuing commands simulating a particular type of personality. Brown does disclose at column 7, lines 10-16 that characters depicted in the video game can communicate instructions and strategies to the patient. However, Brown does not specify whether such communication is audible or visual. Brown discloses at column 4, lines 5-7 that the speaker is effective for "... producing sounds associated with video games ...". Since video games, such as the SUPER NINTENDO™ system referenced in Brown, generate only simplistic dings, bells, tones and tunes and do NOT generate speech, those skilled in the art are taught by Brown to communicate instructions and strategies by a visual display and NOT by audible speech. Schneier discloses only a sound synthesizer for generating game sounds (*e.g.*, dings and bells). Withdrawal of this rejection is respectfully requested.

**14.0** *The Examiner has rejected claims 27-28 as obvious over Bonnett in view of Hillsman.*

#### SUMMARY OF CITED REFERENCES

**Bonnett** discloses a device for automatically counting the number of times a smoker inhales upon a tobacco product, such as a cigarette. The device includes a pocket calculator, a pressure sensitive switch and a cigarette holder. The pressure sensitive switch is in fluid communication with the internal chamber of the cigarette holder for detecting a decrease in pressure within the holder caused by a smoker inhaling upon a cigarette positioned within the

holder. The pressure sensitive switch is in electrical communication with the pocket calculator for summing and visually displaying the number of detected inhalations.

**Hillsman** discloses a biofeedback training and evaluation system for instructing a patient on the proper techniques of inhalation to administer aerosol drugs with a metered dose inhaler. The biofeedback system includes (i) a microprocessor, (ii) a speaker for issuing auditory prompts to the user, and (iii) communications ports. The communications ports permit connection to monitors [8] and [10], a floppy or hard disk [17], a printer [20] and a keyboard [16].

#### SUMMARY OF CLAIMED INVENTION

**A Third Embodiment of the Claimed Invention** (claims 22-32) is directed to an entertainment device including (i) a case, (ii) a power source, (iii) a programmable electronic circuit powered by the power source, (iv) a voice synthesizer electrically interconnected to the programmable electronic circuit for issuing spoken prompts and taunts to a user of the entertainment device, and (v) a communications port permitting interconnection of the entertainment device to another entertainment device for exchanging programmed information.

#### LEGAL BASIS FOR ESTABLISHING A PRIMA FACIE CASE OF OBVIOUSNESS

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation; either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, NOT in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). See, M.P.E.P. § 2143.

PRIOR ART REFERENCES DO NOT TEACH OR SUGGEST ALL OF THE CLAIM LIMITATIONS OF THE CLAIMED INVENTION.

The Third Embodiment of the Claimed Invention further includes a communications port permitting interconnection of the entertainment device to another entertainment device for exchanging programmed information. Bonnett does not disclose any type of communications port other than that associated with the pressure switch.. Hillsman discloses a variety of communications ports for permitting the biofeedback training and evaluation system to communicate with a variety of peripherals, but does NOT disclose a communications port permitting interconnection of the biofeedback system to another biofeedback system for exchanging programmed information. Withdrawal of this rejection is respectfully requested.

**15.0** *The Examiner has rejected claim 31 as obvious over Bonnett in view of Drouin.*

#### SUMMARY OF CITED REFERENCES

**Bonnett** discloses a device for automatically counting the number of times a smoker inhales upon a tobacco product, such as a cigarette. The device includes a pocket calculator, a pressure sensitive switch and a cigarette holder. The pressure sensitive switch is in fluid communication with the internal chamber of the cigarette holder for detecting a decrease in pressure within the holder caused by a smoker inhaling upon a cigarette positioned within the holder. The pressure sensitive switch is in electrical communication with the pocket calculator for summing and visually displaying the number of detected inhalations.

**Drouin** discloses a lockable cigarette case equipped with a timer for unlocking the case and allowing extraction of a cigarette only at predetermined time intervals. Drouin further discloses use of a speaker to generate a pleasing tone to indicate that the time interval has passed and a cigarette may be extracted, and generate an annoying tone when a user attempts to prematurely extract a cigarette from the case.



## SUMMARY OF CLAIMED INVENTION

**A Third Embodiment of the Claimed Invention** (claims 22-32) is directed to an entertainment device including (i) a case, (ii) a power source, (iii) a programmable electronic circuit powered by the power source, (iv) a voice synthesizer electrically interconnected to the programmable electronic circuit for issuing spoken prompts and taunts to a user of the entertainment device, and (v) a communications port permitting interconnection of the entertainment device to another entertainment device for exchanging programmed information.

## LEGAL BASIS FOR ESTABLISHING A PRIMA FACIE CASE OF OBVIOUSNESS

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation; either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, NOT in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). *See*, M.P.E.P. § 2143.

## PRIOR ART REFERENCES DO NOT TEACH OR SUGGEST ALL OF THE CLAIM LIMITATIONS OF THE CLAIMED INVENTION.

The Third Embodiment of the Claimed Invention includes a voice synthesizer for issuing spoken prompts and taunts to a user of the entertainment device. Bonnett does not disclose a voice synthesizer. Drouin discloses a speaker for issuing a pleasing and/or an annoying tone, but does NOT disclose a voice synthesizer for issuing spoken prompts and taunts to a user of the entertainment device. Withdrawal of this rejection is respectfully requested.

The Third Embodiment of the Claimed Invention further includes a communications port permitting interconnection of the entertainment device to another entertainment device for exchanging programmed information. Bonnett does not disclose any type of communications

port other than that associated with the pressure switch.. Drouin is silent as to a communications port. Withdrawal of this rejection is respectfully requested.

### CONCLUSION

Applicant respectfully submits that all pending claims (claims 1-30 and 32-42) are in condition for allowance.

Respectfully submitted,

Date 23 Sep. 02

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1. (Once Amended) An addiction simulator for education about and deterrence of drug use, comprising:

- a. an enclosure;
- b. an electronic circuit, the electronic circuit being housed within the enclosure;
- c. an actuator, the actuator switch being electrically interconnected to the electronic circuit; and
- d. a pushbutton switch, the pushbutton switch being responsive to an activity of a user of the addiction simulator which simulates participation in an addictive activity involving drugs.

12. (Once Amended) A portable personality simulator for achieving behavior modification and education of a user of the simulator, comprising:

- (a) a case;
- (b) an electronic circuit housed within the case; and
- (c) a speaker, the speaker being housed within the case and being electrically interconnected to the electronic circuit, the speaker emitting spoken words commanding [emitted sounds prompting] the user to behave in a desired manner.

27. (Once Amended) The entertainment device of claim 26, wherein at least [some] one of the plurality of messages contained in the memory [are] is related to cigarette consumption by a user of the device.

28. (Once Amended) The entertainment device of claim 26, wherein at least [some] one of the plurality of messages contained in the memory [are] is related to life expectancy of a user of the device.

32. (Once Amended) The entertainment device of claim [31] 29, wherein the memory simulates borrowing a quantity of the product from another entertainment device via the communications port.

35. (Once Amended) The portable personality simulator of claim 34, [further comprising at least one personality trait including] wherein the particular type of personality is selected from:

- a. paternalism;
- b. superiority;
- c. humor; and
- d. demanding.

36. (Once Amended) The portable personality simulator of claim [32] 33, wherein the simulator is programmed to emulate the personality of a celebrity.

37. (Once Amended) The portable personality simulator of claim [32] 34, wherein the voice recognition device is programmed to identify a sound associated with at least one bodily function including:

- a. exhaling;
- b. coughing;
- c. snoring;
- d. vomiting;
- e. inhaling; and
- f. puffing

39. (Once Amended) The portable personality simulator of claim 36, wherein the electronic circuit is programmed to identify a [plurality of] sound[s occurring in an environment responsive] emanating from other than the simulator as an acceptable response to a given command[s] issued by the simulator.